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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,594	07/31/2001	Margaret Seiler	5246 P 003	2534
7590 03/02/2006				
Wallenstein & Wagner, Ltd. 53rd Floor 311 S. Wacker Drive Chicago, IL 60606-6630		EXAMINER PHAM, HUNG Q		
		ART UNIT PAPER NUMBER 2168		

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/919,594	Applicant(s) SEILER ET AL.	
	Examiner HUNG Q. PHAM	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-13,15,17-19,23,54 and 58 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2,4-13,15,17-19,23 and 54 and 58 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

- Applicant's arguments, see pages 6 and 7, filed 12/27/05, with respect to the rejection of claim 58 under 35 U.S.C. § 112, first paragraph, have been fully considered. The rejection of claim 58 under U.S.C. § 112, first paragraph, has been withdrawn due to the cancelation of the rejected limitation as specified in the previous Office Action.

- Applicant's arguments with respect to the rejection of claims 54 and 58 have been fully considered but they are not persuasive. As argued by applicants:

(1) At page 9, lines 2-13:

Specifically, Claims 54 and 58 require receiving an indication from the potential positioner that one or more of the plurality of predefined target qualifications is a required qualification, and require creating a correlated information list of correlated information comprising a list of potential positionees having target qualifications which correlate with all of the required qualifications. Otherwise, the potential positionee will not be listed. In order to establish one of three requirements for a prior art based rejection, the prior art reference(s) must teach or suggest all of the claim limitations. See MPEP 2143.03. On the contrary, the Puram et al. does not disclose or teach this limitation.

(2) At page 9, lines 14-16 and 24-27:

In addition, the present invention, as presently claimed, provides the candidate with the ability to remove themselves from a correlated list of potential candidates, so that an employer will not consider them within the evaluation process.

...

Puram et al. and the other cited references (The Monster Board and the USAJOBS) do not teach or disclose this feature or limitation, either alone or in combination.

(3) At page 9, lines 16-24:

In other words, the candidate can log into the system and review which potential employers they have matched up with based on their skills and the target skills required (and nice to have target skills) by the employers, and the candidate can remove an employer from their correlated list. In turn, the candidate's name will be removed from the matched or correlated list which the employer reviews.

(4) At page 9, lines 28-30:

The remaining dependent claims each depend directly or indirectly on Claims 54 and/or 58, and therefore, Applicants believe that the dependent claims are also now in condition for allowance.

Examiner respectfully disagrees.

(1) Puram discloses either explicitly or implicitly the step of *receiving an indication from the potential positioner that one or more of the plurality of predefined target qualifications is a required qualification or a nice to have qualification and creating a correlated information list of correlated information comprising a list of potential positionees having target qualifications which correlate with all of the required qualifications.* As taught by Puram at Col. 5, Line 60-Col. 6, Line 15, data regarding the needs for an employer's position is entered and contained in table 186 of FIG. 9, wherein the desired skills for a specified position are prioritized by "core strength", "experienced" and "beneficial". As shown in FIG. 10 and Col. 6, Lines 44-53, with respect to a particular position, SMALLTALK language, DESIGN DOCUMENT are "score strength", "METHOD 1" and experience in the airline industry would be "beneficial" for the job. In Data Matching Phase as illustrated at Col. 7, Lines 5-13, a sub-pool of candidates for a position is created, e.g., FIG. 11b, by matching candidates possess "core strength" with specified criteria. As seen, the illustrated desired skills in FIG. 9 as *predefined target qualifications*, the priority of a skill as *indication from the potential positioner*

that one or more of the plurality of desired skills is a required qualification, e.g., "core strength", or a nice to have qualification, e.g., "beneficial". Data Matching Phase performs the claimed creating a correlated information list of correlated information, and FIG. 11b is a list of potential positionees having target qualifications, e.g., candidates that possess "core strength" of SMALLTALK language and DESIGN DOCUMENT, which correlate with all of the required qualifications e.g., the desired "core strength" skills as in FIG. 9.

(2) As further disclosed by Puram, the method also gathers preference data for the candidate. The preference data may include a list of one or more companies that the candidate does not wish to work for (Col. 5, Lines 35-40). The Data Matching Phase to create *a list of potential positionees having target qualifications* as discussed above also involves comparison of the candidate's preference data to the position data to weed out any candidates that would not be interested in the position (Col. 7, Lines 13-20). Thus, a potential positionee is allowed to remove his/her name from the *list of potential positionees* of a particular company's job by indicating in preference data.

(3) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the candidate can log into the system and review which potential employers they have matched up with based on their skills and the target skills required (and nice to have target skills) by the employers, and the candidate can remove an employer from their correlated list. In turn, the candidate's name will be removed from the matched or correlated list which the employer reviews) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are

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not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(4) The dependent claims depend directly or indirectly on claims 54 and/or 58, and therefore, are unpatentable because of the reasons as discussed above.

- In view of the above, examiner contends that all limitations as recited in the claims have been addressed in this Action.

Claim Objections

Claim 54 and 58 are objected to because of the following informalities: *the clause allowing each potential positionee to remove their name* at line 17 of claim 54, and 13 of claim 58 (“his/her” is suggested). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 54 and 58 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

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reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As in claims 54 and 58, the clause *a list of potential positionees having target qualifications which correlate with all of the required qualifications* was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 54 and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As in claims 54, lines 17-20, and claim 58, lines 13-14, the clause *the correlated information list of potential positionees* references to some other items in the claim. It is unclear what item is being referenced.

As in claims 2 and 58, the clause *the correlated information*, at lines 15 and 17 of claim 58 and line 1 of claim 2, references to some other items in the claim. It is unclear what item is being referenced.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 4, 6, 9-13, 15, 23, 54 and 58 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Puram et al. [USP 6,289,341 B1].

Regarding claims 54 and 58, Puram teaches *a computer program and method for matching a potential positionee and a potential positionor for a position with the potential positionor* (Abstract), the program comprising the step of:

providing the potential positionee with a positionee information entry interface for electronically entering positionee information comprising the potential positionee's actual qualifications, the positionee information being stored in a database (Col. 2, Line 66-Col. 3, Line 2);

providing the potential positionor with a positionor information entry interface for electronically entering positionor information comprising a plurality of predefined target qualification for the position, the positionor information is stored in the database (Col. 2, Line 65-Col. 3, Line 2 and Col. 5, Line 66-Col. 6, Line 15);

wherein the interface is further configured to receive an indication from the potential positionor that one or more of the plurality of predefined target qualifications is a required qualification or a nice to have qualification (As taught by Puram at Col. 5, Line 60-Col. 6, Line 15, data regarding the needs for an employer's position is entered and contained in table 186 of FIG. 9, wherein the desired skills for a specified position are prioritized by "core strength", "experienced" and "beneficial". As shown in FIG. 10 and Col. 6, Lines 44-53, with respect to a particular position, SMALLTALK language, DESIGN DOCUMENT are "score strength", "METHOD 1" and experience in the airline industry would be "beneficial" for the job. As seen, the illustrated desired skills in FIG. 9 as *predefined target qualifications*, the priority of a skill as *indication from the potential positionor that one or more of the plurality of desired skills is a required qualification*, e.g., "core strength", or *a nice to have qualification*, e.g., "beneficial");

determining whether the positionee information correlates with the positionor information (FIG. 3, step 250, Col. 7, Lines 5-20);

creating a correlated information list of correlated information comprising a list of potential positionees having target qualifications which correlate with all of the required qualifications (In Data Matching Phase as illustrated at Col. 7, Lines 5-13, a sub-pool of candidates for a position is created, e.g., FIG. 11b, by matching candidates possess "core strength" with specified criteria. As seen, Data Matching Phase performs the claimed *creating a correlated information*

list of correlated information, and FIG. 11b is a list of potential positionees having target qualifications, e.g., candidates that possess "core strength" of SMALLTALK language and DESIGN DOCUMENT, which correlate with all of the required qualifications e.g., the desired "core strength" skills as in FIG. 9) and ranked by at least the nice to have qualifications (FIG. 11b), and for

allowing each potential positionee to remove their name from the correlated information list of potential positionees (As further disclosed by Puram, the method also gathers preference data for the candidate. The preference data may include a list of one or more companies that the candidate does not wish to work for (Col. 5, Lines 35-40). The Data Matching Phase to create a list of potential positionees having target qualifications as discussed above also involves comparison of the candidate's preference data to the position data to weed out any candidates that would not be interested in the position (Col. 7, Lines 13-20). Thus, a potential positionee is allowed to remove his/her name from the list of potential positionees of a particular company's job by indicating in preference data); and,

providing the correlated information list of potential positionees to at least one potential positioner for review (Col. 8, Lines 35-41).

Regarding claim 2, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the correlated information is provided to the potential positionee for review* (Col. 9, Lines 20-33).

Regarding claim 4, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the actual qualifications comprises a skill of the potential positionee* (Col. 3, Line 50-Col. 5, Line 20).

Regarding claim 6, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the positionee information further comprises contact information for receiving communication* (Col. 8, Lines 35-46).

Regarding claim 9, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the positionee information further comprises work history information* (FIG. 5).

Regarding claim 10, Puram teaches all the claim subject matters as discussed above with respect to claim 58, Puram further discloses *the positionee information further comprises education information* (FIG. 5).

Regarding claim 11, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses *the actual qualifications further comprise at least one skill selected from a positionee skills listing* (FIG. 11B).

Regarding claim 12, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses *the positionee information further comprises at least one position category and the actual qualifications further comprise at least one skill relating to the position category* (FIG. 11B).

Regarding claim 13, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses *the positionor information further comprises position or entity information* (FIG. 2, step 185).

Regarding claim 15, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses *the positionor information further comprises positionor contact information* (Col. 8, Lines 35-46).

Regarding claim 23, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, Puram further discloses *the positionor information comprises special programs participation information* (FIG. 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram et al. [USP 6,289,341 B1] in view of The Monster Board [The Monster Board, <http://web.archive.org/web/19981206114609/http://www3.monster.com/>].

Regarding claim 5, Puram teaches all the claim subject matters as discussed above with respect to claim 58, but does not teach *the positionee information is maintained confidential*. The Monster Board is a Web site for job seekers and employers, The Monster Board further teaches the claimed *the positionee information is maintained confidential*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to maintain the information of job seekers confidential in order to protect the privacy of job seekers.

Regarding claim 18, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, but fails to disclose *the positionor information further comprises benefits information for the position*. The Monster Board is a Web site for job seekers and employers, The Monster Board further teaches the claimed *the positionor*

information comprises benefits information for the position. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to include benefit in order to attract job seekers.

Regarding claim 19, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, but fails to disclose *the position or information further comprises site location information for the position.* The Monster Board is a Web site for job seekers and employers, The Monster Board further teaches the claimed *the position or information further comprises site location information for the position.* It would have been obvious for one of ordinary skill in the art at the time the invention was made to include site location in order to attract job seekers.

Claims 7, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram et al. [USP 6,289,341 B1] in view of USAJOBS [USAJOBS – United States Office Of Personnel Management, <http://web.archive.org/web/19981212033738/http://www.usajobs.opm.gov/>] .

Regarding claim 7, Puram teaches all the claim subject matters as discussed above with respect to claim 58, but fails to teach *the positionee information further comprises veteran information.* USAJOBS teaches *the positionee information comprises veteran information* (USAJOBS – United States Office Of Personnel Management). It would have been

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obvious for one of ordinary skill in the art at the time the invention was made to include veteran information in order to categorize job seekers.

Regarding claim 8, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, but fails to teach *the positionee information further comprises transportation information for position site availability*. USAJOBS teaches *the positionee information further comprises transportation information for position site availability* (USAJOBS – United States Office Of Personnel Management). It would have been obvious for one of ordinary skill in the art at the time the invention was made to include transportation information in order to narrow down the job search to a particular area.

Regarding claim 17, Puram teaches all of the claimed subject matter as discussed above with respect to claim 58, but fails to teach *the positionor information further comprises salary information required for the position*. USAJOBS discloses *the positionor information further comprises salary information required for the position* (USAJOBS – United States Office Of Personnel Management). It would have been obvious for one of ordinary skill in the art at the time the invention was made to include salary information in order to attract job seekers.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY A. GAFFIN can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HUNG Q PHAM
Examiner
Art Unit 2168

February 23, 2006



TIM VO
PRIMARY EXAMINER